

1 the Fresno Attorney Guide), and be prepared at the CMC to discuss the status of
2 the record assembly by Beames' counsel, the statute of limitations, the status of
3 the Warden's assembly of the state record for lodging with the Court, and the
4 scheduling of a second case management conference.

5 Based on the filings of the parties and the discussion at the CMC, the
6 following schedule is established:

- 7 1. The statute of limitations in this case expires on the one-year anniversary
8 of the denial of Beames' state habeas petition, July 28, 2011. *See Patterson v.*
9 *Stewart*, 251 F.3d 1243, 1246 (9th Cir. 2001);
- 10 2. The Warden shall lodge the state record with the Court by January 10,
11 2011;
- 12 3. Beames' counsel do not believe they will need to move the Court for an
13 order equitably tolling the statute of limitations;
- 14 4. Beames' federal petition shall be filed on or before July 28, 2011;
- 15 5. Any second state habeas petition to bring unexhausted claims before the
16 California Supreme Court shall be filed before July 28, 2011.

17 Following the filing of Beames' federal petition, a second CMC will be set
18 to discuss the next litigation in this case.

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20 IT IS SO ORDERED.

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22 DATED: October 12, 2010

23 /s/ Anthony W. Ishii

24 Chief United States District Judge